



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-012  
Preliminary Plan No. 120180040  
7359 Wisconsin Avenue  
Date of Hearing: February 8, 2018

MAR 22 2018

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on September 21, 2017, S/C 7351 Wisconsin Avenue, LLC, ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 1.47 acres of land in the CR-5.0, C-5.0, R-4.75, H-250 and Bethesda Overlay Zones, located on the south side of Montgomery Avenue between Wisconsin Avenue and Waverly Street ("Subject Property"), in the Bethesda CBD Policy Area and the Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180040, 7359 Wisconsin Avenue ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 29, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 8, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 8, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Patterson, with a vote of 3-0; Commissioners Anderson, Fani-Gonzalez, and Patterson voting in favor and Commissioners Cichy and Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180040 to create 1 lot on the Subject Property, subject to the

Approved as to  
Legal Sufficiency:

following conditions:<sup>1</sup>

- 1) Approval is limited to one lot for up to 535,000 square feet of commercial development, including up to 400,000 square feet of office space, up to 135,000 square feet of hotel (with a maximum of 225 rooms), and an allocation of up to 214,795 square feet of density from the Bethesda Overlay Zone.
- 2) The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320180070 and any subsequent amendments.
- 3) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
- 4) Except as otherwise conditioned, the Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated January 18, 2018, as updated by the e-mail from Rebecca Torma dated February 5, 2018, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
- 6) The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:
  - a) A dedication of the Wisconsin Avenue frontage necessary to provide the Sector Plan-recommended 61-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
  - b) A dedication of the Montgomery Avenue frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
  - c) A dedication of the Waverly Street frontage necessary to provide the Sector Plan-recommended 30-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
- 7) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.

- 8) Short-term public bicycle parking must be installed near the main entrance to the office building and hotel. Secure long-term private bicycle parking must be installed, internal to the garage, for employee and hotel guest use. The exact number and location of bicycle parking will be determined at the time of Site Plan.
- 9) In accordance with the *2016-2020 Subdivision Staging Policy*, the Applicant must "fix or fund" the improvements of all public pedestrian infrastructure within 500-feet of the Subject Property that does not comply with the Americans with Disabilities Act ("ADA") requirement, as shown on the Certified Site Plan, as determined by MCDPS ROW Permitting, prior to issuance of the use and occupancy permit for the development. The Applicant must submit a survey of ADA compliant improvements prior to Certified Site Plan, responsibilities for improvement of which will be coordinated with the M-NCPPC, MCDOT and MCDPS. An agreement of the responsibilities and ADA compliant work or funding (or partial funding) must be completed by building permit issuance. The work or funding (or partial funding) must be completed prior to any Use and Occupancy Permit.
- 10) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 3, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 11) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Fire Department Access and Water Supply Section, in its letter dated January 16, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 12) The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards

such as setbacks, building restriction lines, building height, and lot coverage for each lot.

13) The record plat must show necessary easements.

14) Prior to approval of any plat application, Site Plan No. 820180040 must be certified by MNCPPC Staff.

15) No clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.

16) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The subdivision design is appropriate for the development. The lot was reviewed for compliance with the dimensional requirements for the CR Zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that Zone.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

Overarching goals of the Bethesda Downtown Sector Plan

Specifically, this Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

1. Parks and open spaces, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.

2. Affordable housing, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. Environmental innovation, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. Economic competitiveness, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

Wisconsin Avenue district goals and recommendations:

The Wisconsin Avenue Corridor is the main artery through the center of Downtown Bethesda. It extends from the Sector Plan Boundary/National Institutes of Health (NIH) on the north to Bradley Boulevard on the south, and from Woodmont Avenue on the west to Waverly Street on the east. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces.

The Wisconsin Avenue Corridor is primarily a commercial area, containing both retail and office uses. Among its numerous large office buildings are older ones predating the 1976 Bethesda Central Business District Sector Plan, such as the Air Rights Building; 1980s structures; and buildings at the Bethesda Metrorail Station. The northern part of Wisconsin Avenue comprises several hotels, stores, restaurants and offices, but currently has no clear identity.

The area's retail potential is compromised by its location on either side of Wisconsin Avenue. As a major commuter arterial, this street has heavy traffic volumes that eliminate the potential for "cross shopping" and a lack of visibility for retail establishments. However, Wisconsin North anticipates increased development activity with five planned projects, including the Harris Teeter site at 8300 Wisconsin Avenue. These projects will increase the employee, visitor and residential customer base within the district.

The Metro Core of Wisconsin Avenue struggles with the same condition caused by the barrier of Wisconsin Avenue's width as well as its vehicular traffic volume and speed. Similar to northern Wisconsin Avenue, the area

includes hotels, but is most noted for the density of office buildings that surround its Metrorail station and accessible roadways. Consequently, most of the existing retail offerings in the Metro Core are oriented to the Monday through Friday, 9-to-5 customer. As Bethesda Row and Woodmont Triangle have become increasingly more attractive as locations for new and/ or expanding retailers, these areas draw more and more customers away from the Metro Core's shops, restaurants and services.

The Wisconsin Avenue Corridor, consistent with adopted planning principles, has the tallest buildings in Downtown Bethesda. Building heights step down from the 200-foot Clark Building to the surrounding 143-foot heights allowed in the Commercial Residential Zone (former Central Business District-2 Zone in the 1994 Bethesda Central Business District Sector Plan). Buildings at Bethesda and Wisconsin Avenues provide a gateway open space at the corner of this intersection. A number of potentially high-density sites remain to be developed in the area.

#### Land Use and Zoning Goals:

- Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.
- Encourage mixed-income/affordable housing near transit stations.
- Provide zoning recommendations that allow signature tall buildings at major civic spaces in the established centers.
- Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.
- Improve and enhance underutilized privately owned public use spaces.
- Provide new civic gathering spaces.
- Encourage high-performance buildings and sites nearest the established centers.
- Improve the pedestrian environment with upgraded streetscapes.

#### Land Use Recommendations:

- Create two new civic gathering spaces in the form of civic green space/parks at the Farm Women's Cooperative Market site and Veteran's Park Civic Green.
- Emphasize mixed land uses focused on employment and high density residential.

#### Zoning Recommendations (Site Specific):

- ReZone Map #122 from its current Zones to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable

building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.

This Application incorporates many of the land use and zoning recommendations of the Sector Plan by including: 1) commercial and compact development in the core area along Wisconsin Avenue in the highest intensity centers, providing for distinctive infill buildings; 2) zoning recommendations that allow signature tall buildings near public gathering areas; 3) buildings that step down to lower densities to the east; 4) incorporation of energy efficiency and high performance in both the hotel and office buildings; and 5) an emphasis on mixed land uses that guide future employment surrounded by both commercial and residential uses.

The zoning approved for the Site through the Sectional Map Amendment (SMA) increases the base density to a total 5.0 FAR and increases the height to 250 feet. To reach the heights proposed, the Applicant is requesting an allocation of BOZ density in the amount of 214,795 square feet requiring a payment that would facilitate acquisition of parkland in the downtown.

#### Urban Design Recommendations:

##### Public Realm

- a. Goal: Create green, active and walkable sidewalks that are designed to balance pedestrian and retail activity with vehicular and BRT traffic along this major corridor.

##### Recommendations:

- Provide a planting and furnishing buffer between sidewalks and street traffic.
- Ensure a clear pedestrian pathway.
- Allow space for various activities, such as outdoor dining in retail focus areas, and provide planting and seating along remaining sections of the street.

- b. Goal: Create major civic gathering spaces as the hinge between Wisconsin Avenue, Norfolk Avenue and Bethesda Avenue.

##### Recommendations:

- Expand Veteran's Park through a new civic green bordered by a shared street that connects Wisconsin Avenue to Norfolk Avenue and Woodmont Triangle.

This Application is improving the streetscape along Wisconsin Avenue and Montgomery Avenue consistent with the Bethesda Streetscape Standards. This includes new street trees, lights, paving, site

furnishings and the undergrounding of utilities. The Applicant is providing between the tree pit and the building edge a minimum 19-foot clear pedestrian way along Wisconsin Avenue and a minimum 8-foot-wide clear pedestrian pathway along Montgomery Avenue.

#### Building Form

a. Goal: Design tall buildings along Wisconsin Avenue to have a human-scaled presence on the street, reduced uniformity and compatibility with edge neighborhoods.

#### Recommendations:

- Provide building articulation such as step backs, glazing and material changes.
- Provide building separation to ensure the design allows for light and air, and reduces shadows cast onto public spaces.

b. Goal: Provide visual interest along the corridor by highlighting significant points with increased height.

#### Recommendations:

- Provide increased height at the transit gateways to the Metrorail and Purple Line stations.
- Mark the Veteran's Park Civic Green as a major civic gathering space through signature buildings at this location.

The building design modulates in form both horizontally and vertically, introducing mixes of materials and provides the intersection of Wisconsin Avenue and Montgomery Avenue with both a unique plaza at the ground level and an iconic architectural embellishment at the top. The design of the building provides a unique articulation to various building surfaces and provides an efficient use of the site in an urban environment. The form of the building is comprised of three major vertical masses interconnected by the podium. Each of the masses is defined by distinct architectural skins and steps down from west to east. The façade of the building, as well as the parking garage above, are clad with a series of plane changes and pedestrian-scaled architectural embellishments which serve to both define the base of the building as well as provide for a human-scaled pedestrian experience. The transition to the tower mass is marked by a series of stepping architectural features and culminates in the large building undercut at the corner, which holds the office tower a minimum of 45 feet above the entry plaza below. Each of the three vertical masses has its own unique top. The hotel mass to the east is articulated at the top by a small setback terrace and green roof. The central mass is defined by a variation and extension of the architectural



cladding. The major office mass to the west is articulated by a rooftop terrace that can be occupied, capped by a functional architectural embellishment that wraps across the top of the terrace, down the south face of the westerly mass and as currently conceived is expressed again as an artistic soffit feature for the entry plaza.

#### Transportation and Bicycle Recommendations:

To enhance the existing transportation network, this Plan recommends “complete streets” improvements to the roadway network that increase the connectivity, safety and quality for all modes of transportation. Complete streets design principles refer to roadway treatments intended to accommodate multiple modes of transportation, including pedestrian, bicycle, vehicular and transit, within the same right-of-way. Due to the transit-oriented nature of Downtown Bethesda, future transportation improvements within the Sector Plan area should consider complete streets strategies as critical elements of the transportation network.

A high-quality pedestrian network is essential to the success of transit-oriented communities because, unlike most other modes of transportation, pedestrian activity is about experiencing the community between points of origin and destination. Nearly all modes of transportation require that at least a portion of each trip be completed as a pedestrian; therefore, the quality of the pedestrian network is an important issue for most residents and commuters in Downtown Bethesda.

#### Overall Goals

- Enhance roadway accommodation of all users.
- Increase the use of non-auto driver travel.
- Implement new transit alternatives.
- Improve bicycle and pedestrian infrastructure.
- Expand the constrained parking policy.

Montgomery Avenue (CT-9) - Separated Bike Lanes (ultimate); Bike Lanes (interim); Wisconsin Avenue to East-West highway.

All roads in the Sector Plan area should be designed for shared use by motor vehicles and bicycles and are designated as shared roadways unless another higher quality bicycle facility is provided (e.g. bike lanes). These shared roadways are called out for wayfinding purposes. This Sector Plan recommends amending the practice of implementing shared roadways on wide travel lanes; Bicycles should operate on-road as vehicles where the prevailing roadway operation is characterized by low vehicular speed and volume.

#### Parking Recommendations-

- Promote a constrained parking policy that supports a transit-oriented downtown.
- Explore opportunities for co-location of public facilities on Parking Lot District properties and facilities. Co-location should be considered as existing facilities are evaluated for replacement and as the market allows for new mixed-use development.

The Applicant contributes to the transportation network in downtown Bethesda and regionally by contributing to the separated bike lanes for Montgomery Avenue. A contribution is being made to provide one off-site bike share facility. Pedestrian circulation is improved with the implementation of streetscape along Wisconsin Avenue and Montgomery Avenue to encourage connectivity within the Wisconsin Avenue District and to other transit options.

#### Environmental Recommendations:

Urban Green - On private property, provide a minimum of 35 percent green cover, which may include singularly or a combination of the following:

- Intensive green roof (6 inches or deeper) on 35 percent of rooftop.
  - Tree canopy cover on 35 percent of landscape.
  - A combination of tree canopy and intensive green roof for a total green cover of 35 percent or greater\*.
- Install green roofs with at least 6 inches of soil depth allowing for greater stormwater treatment.
  - Provide soil volumes for canopy trees of no less than 600 cubic feet.
  - Montgomery Avenue is a recommended Canopy Corridor. Provide Canopy Street Trees along Montgomery Avenue 30 feet on center.

#### Water -

- Integrate environmental site design strategies that provide multiple performance area benefits for water quality, habitat, health and aesthetic improvement. Some strategies include:
- Intensive green roofs (6 inches or greater to maximize water treatment).
- Reduce impervious cover to maximize stormwater infiltration and/or green space.
- Use permeable surfaces where feasible.

The Application is providing an intensive green roof beyond the recommended 6 inch soil depth and landscaping and green cover calculated on the site area to meet the 35 percent green cover requirement

from the Sector Plan. The project incorporates Silva Cells to account for enhanced stormwater management and proper soil volumes for the proposed plant material.

High Performance Area -

An optional method project in the High Performance Area should be approved only if it achieves the maximum amount of public benefit points allowed for constructing buildings that exceed energy efficiency standards for the building type. To qualify for the maximum available points, any building that is located in whole or in part within the boundary of the High Performance Area would be required to exceed the current ASHRAE 90.1 standard by 15 percent. If the County adopts a building code with a different efficiency standard, a building in the High Performance Area should similarly exceed the minimum standard.

The building is subject to the high-performance standards and will exceed the current ASHRAE 90.1 standards as recommended in the Sector Plan and the Bethesda Overlay Zone.

Section 4.1.5 Public Benefits in the CR Zone

Top Priority Benefits in the CR Zone (Bethesda Downtown Sector Plan Specific):

- Affordable Housing
- Public Open Space
- High Performance Area and Enhanced Vegetated Roofs to Increase Green Cover
- Exceptional Design
- Minimum Parking

The development is providing several of the top-priority public benefits, including Exceptional Design, Minimum Parking, and Energy Conservation.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

The proposed development is estimated to generate 774 new morning peak-hour person trips (370 vehicle trips) and 640 new evening peak-hour person trips (307 vehicle trips). Because the estimated transportation impact of the Project exceeds 50 net new person trips in each of the following: total person trips, pedestrian trips, and bicycle trips, the Project is required to complete a transportation study that evaluates vehicular (intersection) capacity, pedestrian system adequacy, and bicycle system adequacy to satisfy the Local Area

- Transportation Review requirement. The Project is exempt from the transit system adequacy test because the Site is within 1,000 feet of a Metrorail Station.

As a project that generates more than 250 net new peak hour vehicle trips, the Applicant was required to evaluate a minimum of two tiers of intersections within Downtown Bethesda, resulting in a total of ten intersections evaluated as part of the Subject Application. In accordance with the *2016-2020 Subdivision Staging Policy*, eight of the ten intersections included in this analysis were evaluated as part of larger transportation corridors within the Downtown area under the Highway Capacity Manual (HCM) methodology. In addition to the typical HCM methodology analysis completed to satisfy the LATR, the Applicant also analyzed an alternative scenario in which the master planned separated bicycle lanes were implemented within an existing travel lane on Bethesda Avenue and Montgomery Avenue. Each of the study area intersections/ corridors will continue to operate within acceptable limits of congestion following completion of the Project under either scenario.

In determining pedestrian system adequacy, the Applicant must evaluate pedestrian infrastructure within 500-linear feet of the Site limits and “fix or fund” all pedestrian facilities determined to be non-compliant with standards set forth by the Americans with Disabilities Act. The Applicant will submit an exhibit at the time of Certified Site Plan, for Staff approval, showing the location of all non-compliant pedestrian facilities and cost estimates for all improvements associated with the requirement. The scope of improvements to satisfy this requirement will generally be limited to the horizontal clear width, longitudinal slope and cross slope of public pedestrian pathways, sidewalks, curb ramps, and crosswalks.

All other public facilities and services, including water and sewer, utilities, police, and fire, are adequate to serve the development.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A Natural Resource Inventory Forest Stand Delineation Exemption (NRI/FSD) was approved for the project on August 24, 2017. There are no known rare, threatened, or endangered species, floodplains, forests, historic properties or features on the Property. Most of the Property is paved with street trees along the sidewalks in the public right-of-way.

A Forest Conservation Exemption was granted on August 24, 2017 (42018024E). Therefore, the project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law) under Section 22A-5(s)(1) because the tract is less than 1.5 acres with no existing forest, or existing specimen or

champion tree, and the afforestation requirements would not exceed 10,000 square feet.

- 5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The MCDPS Stormwater Management Section approved the stormwater management concept on October 3, 2017. The Applicant will provide 3,752 cubic feet of stormwater treatment via an 8-inch green roof and micro-bioretenion and includes a waiver for the untreated runoff. The DPS has requested the Applicant provide additional square footage of green roof.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 22 2018 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, March 15, 2018, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board